

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United HealthCare Services, Inc.,

Plaintiff,

v.

Merck & Co., Inc.,
Merck Sharp & Dohme Corp.,
Schering-Plough Corp.,
Schering Corp.,
MSP Singapore Co. LLC,
Glenmark Pharmaceuticals Ltd.,
Glenmark Pharmaceuticals Inc., USA,
Par Pharmaceutical, Inc.,

Defendants.

Case No. 0:20-cv-01909-DSD-DTS

**DEFENDANTS’ MOTION TO
DISMISS PLAINTIFF UNITED
HEALTHCARE SERVICES, INC.’S
AMENDED COMPLAINT (DKT. 55-1)**

**TO: PLAINTIFF UNITED HEALTHCARE SERVICES, INC., AND ITS
COUNSEL OF RECORD**

Pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), Defendants Merck & Co., Inc., Merck Sharp & Dohme Corp. (merged into and now known as Merck Sharp & Dohme LLC), Schering-Plough Corp., Schering Corp., and MSP Singapore Co. LLC (“Merck”), and Glenmark Pharmaceuticals Ltd. and Glenmark Pharmaceuticals Inc., USA (“Glenmark”) (collectively “Defendants”), respectfully move to dismiss certain claims in Plaintiff United HealthCare Services, Inc.’s (“UHS’s”) February 9, 2022

amended complaint in *In re Zetia (Ezetimibe) Antitrust Litigation*, 2:18-md-02836-RBS-DEM (E.D. Va.) (“the *Zetia* MDL”), which is the operative complaint in this matter.¹

This motion is based on all the records, files, and proceedings in this case, as well as any legal memoranda, declarations, exhibits, and arguments of counsel submitted in support of the motion, including the memorandum of law filed June 14, 2024 pursuant to this Court’s order setting the briefing schedule on this motion to dismiss, Dkt. No. 52.

Dated: June 14, 2024

Respectfully submitted,

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¹ On May 17, 2024, UHS filed a joint stipulation on the docket in this action stating that the amended complaint it filed in the *Zetia* MDL on February 9, 2022 is the operative complaint and attached a copy of that complaint as Exhibit A. *See* Dkt. No. 55 (stipulation); Dkt. No. 55-1 (Exhibit A copy of UHS’s February 9, 2022 amended complaint in the *Zetia* MDL); Dkt. No. 57 (“It is hereby ordered that the amended complaint plaintiff filed in the *Zetia* MDL on February 9, 2022, is the operative complaint in this action.”).

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Merck Sharp & Dohme Corp. (merged into
and now known as Merck Sharp & Dohme
LLC), Schering-Plough Corp., Schering
Corp., and MSP Singapore Co. LLC*

/s/ Devora W. Allon

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